IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

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PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 12378 of 1994

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Between:

1. Puli Laxmaiah, S/o. Venkaiah, r/o. Manuguru Village, Manuguru Mandal, Khammam Dsitrict.

2. Puli Malleshwar Rao, S/o. Venkaiah, r/o. Manuguru Village, Manuguru Mandal, Khammam Dsitrict.

..... PETITIONER

AND

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1. The Mandal Revenue Officer, Manuguru Mandal, Khammam District.

2. The District Collector, Khammam District.

3. Kangalu Laxmaiah, S/o. Nagaiah, R/o. Kommugudem, Manuguru Mandal, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ essentially in the nature of Mandamus or any other appropriate writ or order or direction, directing the respondents herein not to interfere with the peaceful possession and enjoyment of the land admeasuring Ac.3.00 guntas in Survey No.341, situated at Manuguru Village, Manuguru Mandal, Khammam District.

Counsel for the Petitioner: MR.B.VEERABHADRA RAO

Counsel for Respondents 1 & 2: GP FOR REVENUE

Counsel for respondent No.3: K.K. Mahender Reddy

The Court Made the Following ORDER:

The petitioners state that they are the absolute owners and have been in possession of the land admeasuring Acs.1.20 in S.No.341, situated at Manuguru Village, Manuguru Mandal, Khammam District since 1964 and spent huge amounts for reclamation of the land and for bringing it fit for cultivation. The main grievance of the petitioners is that nearly after a period of 30 years the first respondent herein is threatening them not to conduct agricultural operations and if they do so, they would be sent to jail. It is also stated that they were not issued with any show cause notice under any of the provisions.

In the counter affidavit filed by the first respondent it is admitted that the petitioners are in possession of the land in question, as per the revenue records from the year 1988, but not from the year 1964. It is also admitted that as per the status quo orders of this court dated 5-8-1994 the petitioners are still continuing in possession of the land in question. It is submitted that the land in question is a Government land. As it is a Government land and located in the scheduled area, the action taken by the first respondent is in accordance with law.

On a perusal of the record it is evident that the land in question is a Government land situated in scheduled area. Hence it would be suffice in the interests of justice to direct the petitioner to make an application within a period of four weeks from today bringing all the facts to the notice of the respondents and seek appropriate relief. On such application being made the respondents are directed to consider and dispose of the same expeditiously in accordance with law. Till such time status quo ordered by this court shall continue.

With the above directions, the writ petition is disposed of. No costs.

T. Meena Kumari, J.

12th August, 2004.

Js.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Mandal Revenue Officer, Manuguru Mandal, Khammam District.
2. The District Collector, Khammam District.
3. Kangalu Laxmaiah, S/o. Nagaiah, R/o. Kommugudem, Manuguru Mandal, Khammam District.
4. Two CCs to G.P. for Revenue, High Court Buildings, High Court of A.P., Hyderabad. (OUT).
5. 2 CD copies.